

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

CASE NO.: 05-CR-80810-06

09-14239

HON. LAWRENCE P. ZATKOFF

TODD DUANE BENALLY,

Defendant/Petitioner.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Defendant/Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket #531). The Court is also in receipt of Magistrate Judge Mona K. Majzoub's Report and Recommendation, wherein the Magistrate Judge recommends that Defendant/Petitioner's § 2255 Motion be denied. Defendant/Petitioner has not filed any objection(s) to the Report and Recommendation.

After a thorough review of the Court's file, including Defendant/Petitioner's guilty plea and sentencing hearings and the briefs regarding the Motion, as well as the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Therefore, for the reasons stated above, the Court DENIES Defendant/Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket #531).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 15, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 15, 2010.

S/Marie E. Verlinde
Case Manager
(810) 984-3290